

M05-0576

CD:RB

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(21 U.S.C. § 846)

ROBERT CARUTH,
BRANDON SHAW and
KENRICK CAESAR,

Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

Craig Phildius, being duly sworn, deposes and says that he is a Special Agent with the United States Drug Enforcement Agency ("DEA"), duly appointed according to law and acting as such.

Upon information and belief, on or about May 1, 2005, within the Eastern District of New York and elsewhere, the defendants, ROBERT CARUTH, BRANDON SHAW and KENRICK CAESAR, together with others, did knowingly and intentionally conspire to possess with intent to distribute marihuana, a schedule I controlled substance.

(Title 21, United States Code, Section 846)

The source of your deponent's information and the grounds for his belief are as follows^{1/}:

^{1/} Because the purpose of this affidavit is merely to establish probable cause, I have not set forth all of the facts and circumstances of which I am aware.

1. On or about April 28, 2005, DEA agents in New Mexico spoke with a Confidential Informant ("CI1") that a shipment of approximately 500 kilograms of marihuana, traveling in a tractor trailer bearing Mississippi license plate number A11J142 on the tractor and New York license plate number TL36495 on the trailer, would be delivered to an address near the intersection of Dean Street and Grand Avenue in Brooklyn, New York, at some point during the weekend that spanned April 30, 2005 and May 1, 2005.

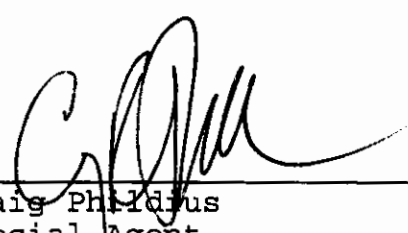
2. On or about May 1, 2005 at approximately 1:00 p.m., DEA agents conducting surveillance of the area surrounding the intersection of Dean Street and Grand Avenue observed a tractor trailer bearing Mississippi license plate number A11J142 on the tractor and New York license plate number TL36495 on the trailer, come to a stop on Dean Street between Grand and Claussan avenues. Agents then observed a person later identified to be the defendant ROBERT CARUTH exit the truck and meet with a person later identified to be the defendant BRANDON SHAW. After observing these two defendants engage in a short conversation, agents arrested them, as well as another man on the scene who was later identified to be the defendant KENRICK CAESAR. Two other men present on the scene were arrested and have since been released.

3. DEA agents conducted a search of the tractor trailer and discovered approximately 500 kilograms of a substance that field-tested positive as marihuana.

4. CI1, who stated prior to the arrest that he was familiar with at least some of the participants of the conspiracy to transport the marihuana to Brooklyn based on a prior marihuana delivery, then observed the five men who were arrested. The CI identified the defendant ROBERT CARUTH as the man who was supposed to drive the tractor trailer containing the marihuana to New York, and he identified BRANDON SHAW as the man who was supposed to receive the shipment of marihuana.

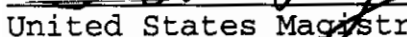
5. The CI also identified the defendants ROBERT CARUTH, BRANDON SHAW and KENRICK CAESAR as participants in a prior, successful conspiracy to ship marihuana to New York City that took place in or about March 2005. The CI stated that in that prior delivery, the defendant ROBERT CARUTH delivered a shipment of marihuana to New York City, the defendant BRANDON SHAW organized the delivery and received the tractor trailer, and the defendant KENRICK CAESAR allowed the tractor trailer to park in a fenced-in yard of his garage, located at 929 Dean Street between Grand and Claussen avenues, while the marihuana was unloaded.

WHEREFORE, your deponent respectfully requests that the defendants ROBERT CARUTH, BRANDON SHAW and KENRICK CAESAR be dealt with according to law.



Craig Phildrus
Special Agent
U.S. Drug Enforcement Agency

Sworn to before me this
2nd day of May, 2005



United States Magistrate Judge
Eastern District of New York